

## PATENT

## REMARKS

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Claims 7, 9-14 and 16-20 are pending in the present application.

***Claim Rejections – 35 USC § 103***

Claims 7, 9-14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr., U.S. Patent No. 5,604,730, (Tiedemann).

Applicant asserts that, in a rejection based on 35 U.S.C. 103, the Tiedemann patent, which is being used under 35 U.S.C. 102(e), is not an appropriate reference and seek disqualification of the Tiedemann patent as prior art against the pending claims (see 35 U.S.C. §103(c)). In this regard:

**U.S. Patent No. 5,604,730 to Tiedemann, Jr. (Tiedemann) was owned by Qualcomm Incorporated, and the inventors of above-identified application number 09/804,621 were under an obligation to assign Application No. 09/804,621 to Qualcomm Incorporated, at the time the invention of Application No. 09/804,621 was made.**

According to MPEP §706.02(I)(2), the above statement is sufficient to disqualify the Tiedemann patent. As additional evidence of common ownership, Applicant provides the following data. For U.S. Patent No. 5,604,730, an assignment from inventor Edward G. Tiedemann, Jr. to Qualcomm Incorporated is recorded beginning at Reel 7104 Frame 0683. The recordation date is 7/25/1994. For the above-identified application number 09/804,621 which claims priority to the parent application, Application No. 08/800,734, an assignment from the inventors Serge D. Willenegger and Yu-Cheun Jou to Qualcomm Incorporated is recorded beginning at Reel 8663, Frame 0880, for the parent application.

Accordingly, the rejections of claims 7, 9-14 and 16-20 under 35 U.S.C. § 103(a), should now be withdrawn.

**PATENT****REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: August 29, 2006

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